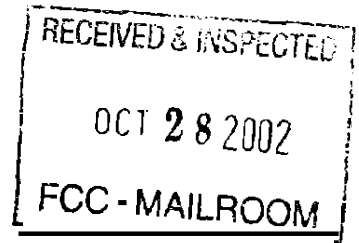


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**STATE OF TENNESSEE  
TENNESSEE EMERGENCY COMMUNICATIONS BOARD  
DEPARTMENT OF COMMERCE & INSURANCE  
500 JAMES ROBERTSON PARKWAY  
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**RANDY PORTER**  
CHAIRMAN

**ANTHONY HAYNES**  
EXECUTIVE DIRECTOR

October 24, 2002

The Honorable Michael Powell  
Chairman  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

RE: CC Docket 94-102

Dear Mr. Chairman:

On behalf of the Tennessee Emergency Communications Board, we are writing to request the Commission clarify its rules regarding the ability of CMRS providers to 'block' repeated, harassing 911 calls placed from non-initialized phones. We believe this clarification is necessary due to recent actions of the Commission on the issue of non-initialized phones, as well as potential misinterpretation of C.F.R. 47 §20.18 (b).

During the period of September 30 – October 4, 2002, Putnam County Emergency Communications District (ECD) in Tennessee was the target of repeated, harassing 911 calls placed from a non-initialized phone. During this period, the PSAP recorded 36 calls placed from the same non-initialized phone. The phone used for the calls was not traceable to the current owner and from a previously expired account.

Putnam County ECD contacted the CMRS provider from which the calls were routed to the PSAP and requested that all future calls from the phone in question be 'blocked'. Originally, Putnam County ECD was informed by the CMRS provider that a court order was needed to block such calls. The CMRS provider later informed Putnam County ECD that FCC rules prohibited the 'blocking' of any wireless 911 calls, regardless of nature, even if directed by a court order. After days of conversations between the state board and the CMRS provider, two local court orders and finally, intervention from legal advisors within the FCC's Wireless Bureau, the phone was blocked and the calls ceased. A similar situation with another non-initialized phone has occurred since the previous event.

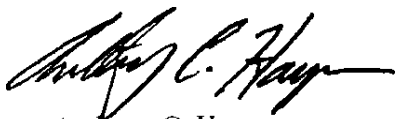
Much of the confusion on the part of the CMRS provider toward its ability to 'block' such calls was due to the perceived intent of the Commission's Order **DA** 02-2423, as well as C.F.R. 47 520.18 (b). In review of **DA** 02-2423, one could deduct that it was the intent of the Commission that the proposed programming code of 123-456-7890 for all non-service-initialized phones or newly manufactured 911-only handsets was adequate to address the issue. The Commission correctly noted the lack of callback ability for such handsets and their ability to cause malicious disruption to PSAP operations. The Commission's proposal, however, fails to prevent such PSAP disruptions.

Although we commend the Commission's efforts to help make repeated, harassing 911 wireless calls more easily identifiable by *PSAP* operators, we believe immediate clarification is also needed for all CMRS providers regarding a CMRS provider's ability to 'block' such calls. We urge such clarification prior to a final conclusion of the Commission on the 'Petition for Reconsideration' filed on this matter by the Alliance for Telecommunications Industry Solutions.

We further urge the Commission in clarifying its rules that CMRS providers be made aware of their ability to 'block' such calls based on the request of an authorized PSAP manager, as opposed to requiring a court order. The process of obtaining a court order to 'block' such calls can take considerable time, especially if such calls occur during evening or weekend hours. During this time, significant *PSAP* telecommunications and operator capacity can be unnecessarily occupied and diverted from true emergency calls. All of this can be avoided by simple clarification of the Commission's rules regarding this issue.

We would appreciate the Commission's immediate attention to this very important matter. We also appreciate the assistance of the legal staff of the Wireless Bureau for their efforts in helping resolve our recent situation in Putnam County, Tennessee.

Sincerely,



Anthony C. Haynes  
Executive Director



Randy Porter  
Chairman

Cc: Commissioner Kathleen Abernathy  
Commissioner Michael Copps  
Commissioner Kevin Martin  
Thomas Sugrue, Chief, WTB  
Joel Taubenblatt, Legal Advisor, WTB  
Barry Ohlson, Chief, WTB Policy Division